

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

21-cr-639 (PKC)

-v-

PABLO JARAMILLO,

ORDER

Defendant.

CASTEL, Senior District Judge:

On April 26, 2022, defendant was sentenced principally to a term of 48 months imprisonment. (ECF 28).

Defendant moved for a sentence reduction (ECF 63) pursuant to Amendment 821 to the Sentencing Guidelines which went into effect on November 1, 2023 and applies retroactively.

The United States Probation Department has issued a report indicating that defendant is not eligible for a sentence reduction. (ECF 69.)

Defendant is not eligible to receive a “Status Points” adjustment because he did not receive an enhancement for committing the instant offense while under a criminal justice sentence. He is eligible for the “Zero-Points Offender” offense level reduction because he had zero criminal history points and meets all other required criteria.

With the amended total offense level, his Total Offense Level is reduced from 29 to 27. However, at Total Offense Level of 27 and Criminal History Category I, his revised Guidelines range would be 70 to 87 months’ imprisonment. His original sentence of principally 48 months’ imprisonment is lower than the amended Guidelines range and hence he is ineligible for a reduction.

It is hereby ORDERED that the defendant is ineligible for a sentence reduction under Amendment 821 and the motion (ECF 63) is DENIED.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: April 24, 2024
New York, New York

COPY MAILED TO:

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